

AMENDED IN ASSEMBLY SEPTEMBER 6, 2001

AMENDED IN ASSEMBLY AUGUST 28, 2001

AMENDED IN ASSEMBLY JULY 20, 2001

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE APRIL 3, 2001

SENATE BILL

No. 537

Introduced by Senator Vasconcellos

February 22, 2001

An act relating to alcohol and drug abuse counselors, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Vasconcellos. Alcohol and drug abuse counselors.

Existing law provides for the licensure and regulation of various healing arts practitioners, including those who provide counseling-related services, such as psychologists, social workers, and marriage, family, and child counselors.

This bill would require the *Department of Consumer Affairs in conjunction with the Board of Behavioral Sciences to review the need for licensing substance abuse counselors, and to notify the Governor and the Legislature of any determination that licensing is not needed by June 1, 2002. The bill would also require the Department of Consumer Affairs to conduct an occupational analysis of drug treatment counselors and to report its findings and recommendations to the Governor and the Legislature by April July 1, 2002.* The bill would

require the State Department of Alcohol and Drug Programs to review its program quality assurance mechanisms and facility licensing responsibilities regarding drug treatment counselors, to prepare regulations and propose statutory policies to establish professional standards by ~~April~~ July 1, 2002, and to assist the Department of Consumer Affairs in duties created by the bill.

This bill would appropriate \$175,000 from the General Fund to the Department of Consumer Affairs to carry out the purposes of the bill.

Vote: ~~majority~~ ²/₃. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The overwhelming passage by the people of California of
4 Proposition 36 constitutes a historic conversion of public policy
5 with respect to the possession of illegal drugs from incarceration
6 to treatment.

7 (b) It is the responsibility of the Governor and Legislature, in
8 keeping faith with this expression of the will of the people of
9 California, to assure that the state provides a smart, comprehensive
10 system to implement Proposition 36 and to realize its aspiration
11 and promise to provide drug abusers treatment that will enable
12 them to cure their addictions and lead more constructive lives.

13 (c) Proposition 36 will add over a half billion dollars into new
14 treatment over the next five years, and it requires that all programs
15 providing this treatment be licensed *or certified*.

16 (d) The public has the right to expect that the treatment
17 provided by state and local programs is as effective as possible in
18 addressing substance abuse in this state, but Proposition 36 did not
19 include a requirement that the counselors be licensed.

20 (e) Proposition 36 provides a significant opportunity for
21 establishing quality substance abuse treatment standards in
22 California.

23 (f) Any person who seeks treatment for an addiction has the
24 right to expect a degree of public protection to assure that he or she
25 receives safe, effective, and ethical treatment.

(g) Over the past 30 years the State of California has developed expertise regarding a substantial body of knowledge for informing the preparation and assessment of counselors in this field.

(h) Thousands of persons working in the field of substance abuse counseling are providing safe, effective, and ethical treatment and yet the State of California has no system for monitoring and assuring a level of competence. A ~~new licensing~~ system for substance abuse counselors needs to be implemented *to protect consumers of substance abuse counseling services* in ways that maximize the commitment and talent of people already in the field as well as public consumer protection.

(i) The precious role of peers, including persons experienced with addiction, must be a central component of ~~any licensing system~~ *the state's efforts to ensure that consumers are protected.*

SEC. 2. It is the intent of the Legislature to generate and implement a fair, smart, and comprehensive system of quality control and consumer protection in the field of substance abuse counseling by January 1, 2003.

SEC. 3. *The Department of Consumer Affairs in conjunction with the Board of Behavioral Sciences shall initiate a review of the need for licensing substance abuse counselors as quickly as practicable after the effective date of this act. If the board determines licensing is not needed, the Governor and the Legislature shall be notified of this determination along with an analysis upon which this determination is based no later than June 1, 2002.*

SEC. 4. The Department of Consumer Affairs shall direct that an occupational analysis of persons providing substance abuse counseling be conducted which shall be assigned top priority in order to assure completion and submission to the Governor and Legislature not later than ~~March~~ *July* 1, 2002. The conducting of the analysis shall include, but not be limited to, the following:

(a) The Board of Behavioral ~~Science~~ *Sciences* shall work closely with the State Department of Alcohol and Drug Programs and the Department of Corrections to determine the range of skills, tasks, and work settings for counselors in current substance abuse treatment programs as well as in independent practice. The Board of Behavioral ~~Science~~ *Sciences* shall also examine the need for scope of practice limitations for substance abuse counselors.

(b) The Board of Behavioral ~~Science~~ *Sciences* shall solicit public comment from all interested parties, including, but not limited to, private credentialing programs, academicians in accredited community college alcohol and drug studies certificate programs, social model recovery homes, ~~and~~ therapeutic community providers, *and counselors who are recovering addicts in existing state-funded treatment programs under the Department of Alcohol and Drug Programs as well as the Department of Corrections*, to develop standards for academic and practical training needed to develop common standards for licensing counselors in this field. The board shall pay particular attention to the special treatment issues associated with narcotics treatment in conducting this occupational analysis.

(c) Special attention shall be paid to maximizing opportunities for recovering addicts to work in this field of counseling. Issues of cultural diversity and competence shall also be addressed to assure a licensing system that corresponds to the needs of the people of California.

~~SEC. 4.~~

~~SEC. 5.~~ Not later than ~~April~~ *July* 1, 2002, the Department of Consumer Affairs shall report to the Governor and the Legislature with its findings and recommendations for creating a fair, smart, comprehensive system of quality control and consumer protection in the field of substance abuse counseling including, ~~but not limited to, the following:~~

~~(a) Recommending specific recommendations for~~ statutory and regulatory requirements to implement a system of quality control and consumer protection in the field of substance abuse counseling.

~~(b) Selecting and providing for the administration of a~~ semiannual licensure examination.

~~(c) Initiating disciplinary action against a licensee, including~~ censure, reprimand, probation, or revocation of the license.

~~(d) Establishing continuing education requirements for~~ licensees.

~~(e) Establishing procedures for the receipt, investigation, and~~ resolution of complaints.

~~(f) Establishing supervision and supervisory requirements for~~ interns.

~~(g) Establishing the criteria for determining whether the curriculum of an educational institution provides adequate instruction for purposes of satisfying the educational requirements for licensure under this chapter.~~

~~(h) Establishing a code of ethics for licensees.~~

~~(i) Establishing reinstatement procedures for a license issued under this chapter that has expired or been revoked.~~

~~SEC. 5.~~

SEC. 6. (a) The State Department of Alcohol and Drug Programs shall review its program quality assurance mechanisms and facility licensing responsibilities regarding statewide professional standards, shall review proposed program treatment standards recommended by interested organizations involved in delivering treatment and in training persons responsible for treatment, and shall survey programs to identify the type and number of counselors who currently work in each program licensed *or certified* by the department.

(b) The State Department of Alcohol and Drug Programs shall prepare regulations and propose statutory policies to establish professional standards to further the purposes of this act not later than ~~April~~ July 1, 2002.

(c) The State Department of Alcohol and Drug Programs shall assist and fully cooperate with the Department of Consumer Affairs in fulfilling its responsibilities under the provisions of this act.

SEC. 7. *The sum of one hundred seventy-five thousand dollars (\$175,000) is hereby appropriated from the General Fund to the Department of Consumer Affairs for the purposes of this act. If a licensing system is established in future legislation as a result of the work done pursuant to the provisions of this act, it is the intent of the Legislature that these funds shall be repaid by any future fees established for these purposes.*